

REMARKS/ARGUMENTS

Applicant respectfully requests reconsideration of this application in view of the following remarks. By this amendment, claims 1, 16, 28 and 29 are amended. As a result, claims 1-6, 8-10, 14-17, 19-23, and 25-34 are still pending and at issue, with claims 1, 16, 28 and 29 being independent. It is believed that no additional fees are due for entry of this amendment. However, if additional fees are due, the Commissioner is authorized to charge such fees to deposit account number 13-2855.

Claim Amendments

It is respectfully submitted that the claims as amended above are supported by the application as originally filed in the Patent Office on March 23, 2004, that the amended claims satisfy the written description requirement and the other requirements of 35 U.S.C. § 112, and that no new matter is being added. Claims 1, 16, 28 and 29 are amended to more clearly recite that the bristles of the first set of bristles or plurality of first bristles has a first stiffness and the bristles of the second set of bristles or plurality of second bristles has a second stiffness that is different than the first stiffness, and that the second set of bristles or plurality of second bristles encircles the first set of bristles or plurality of first bristles without intermixing with the encircled bristles. The claims are further amended to more clearly recite that the first set of bristles or plurality of first bristles are not intermixed with and do not encircle other bristles having different stiffnesses than the first stiffness. Applicants respectfully submit that the amendments to claims 1, 16, 28 and 29 are supported by both the specification and the claims as originally filed at least at Figs. 2, 6 and 7 and the accompanying text at page 6, line 5 through page 7, line 24 which illustrate and describe the first set of bristles 26 having a different stiffness than the second set of bristles 28, the second set of bristles 28 encircling the first set of bristles 26 without intermixing, and the first set of bristles 26 being distributed across the center of the head 35 and without being intermixed with or encircling bristles having different stiffnesses. Applicant respectfully submits that the amendments to claims 1, 16, 28 and 29 do not present new matter and do not raise new issues, and respectfully requests entry of the present amendments to claims 1, 16, 28 and 29 and consideration of the claims as amended.

Response to Claim Rejections under 35 U.S.C. §§102(b) and (e), and 103(a)

Claims 1-6, 8, 10, 14-17, 19-23, 25, 27 and 28 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,735,808 (Chen), claims 1, 2, 5, 6, 8-10, 14-17, 19, 20, 23, 25-30, 33 and 34 stand rejected under 35 U.S.C. §102(b) as being anticipated by Belgian Patent No. 1007329 A6 (Duyck), and claims 29-34 stand rejected 35 U.S.C. §103(a) as being unpatentable over Chen in view of Duyck. Applicant respectfully traverses the rejections of currently pending claims 1-6, 8-10, 14-17, 19-23 and 25-34 and respectfully submits that claims 1-6, 8-10, 14-17, 19-23 and 25-34 are not properly rejectable in view of the applied references for the following reasons.

Chen and Duyck fail to disclose or suggest the positioning of the first and second sets of bristles as recited in claims 1, 16, 28 and 29 as amended, and the absence of other bristles being intermixed with or encircled by the first set of bristles. Chen teaches a bath brush, as opposed to a hair brush as claimed, having a plurality of tufted bristles 73 distributed across the surface of a bristle holder 7, and a plurality of massaging projections 62 extending through corresponding through holes 71 that are distributed among the insertion holes 71 in which the tufted bristles 73 are implanted. (*See* Chen, Figs. 3 and 4 and accompanying text at col. 3, lines 3-13). As a result, the massaging projections 62 and tufted bristles 73 are intermixed as opposed to being segregated with either the set of projections 62 encircling bristles 73 or vice versa as recited in independent claims 1, 16, 28 and 29. Moreover, Chen discusses varying the lengths of the projections 62 and the bristles 73, but does not provide any teaching, suggestion or motivation for changing the relative positioning of the projections 62 and the bristles 73 such that it would be obvious to a person skilled in the art to reconfigure Chen's bath brush with one of the sets of elements encircling the other of the sets of elements, and without the inner elements intermixing with or encircling other elements having differing stiffnesses as recited for the bristles in the claims. For these reasons, Chen does not anticipate or render obvious independent claims 1, 16, 28 and 29 and the claims depending therefrom.

Similar to Chen, Duyck teaches a hair brush having a plurality of bundles 5 of fibers 2, 3 distributed across the surface of pneumatic cushion 6, and a plurality of almost non-bendable pins 4 also distributed across the surface of the pneumatic cushion 6 such that the bundles 5 and pins 4 are intermixed as opposed to being segregated as recited for the first and second sets of bristles in independent claims 1, 16, 28 and 29. (*See* Duyck, Figs. 1 and 2 and

the accompanying Abstracts). The Office action at pages 5-6 characterizes the outer ring of bundles 5 as a first set of bristles, the next inward ring of pins 4 as a second set of bristles and so on. However, even if this characterization is accurate, the pins 4 encircle and/or are intermixed with other bundles 5 having different stiffnesses than the pins 4 and therefore do not satisfy the limitation of the first set of bristles not intermixing with or encircling bristles having different stiffnesses in claims 1, 16, 28 and 29 as amended. Further, Duyck also does not appear to disclose or suggest changing the relative positioning of the bundles 5 and the pins 4 such that it would be obvious to a person skilled in the art to reconfigure Duyck's hair brush with one of the sets of elements encircling the other of the sets of elements, and with the encircled elements not being intermixed with or encircling other elements as recited in the claims. Therefore, Duyck also does not anticipate or render obvious independent claims 1, 16, 28 and 29 and the claims depending therefrom. Because the applied references do not teach or suggest providing a hair brush having a first set of bristles encircled by a second set of bristles as recited in the claims, it follows that claims 1, 16, 28 and 29 and the claims depending therefrom are neither anticipated nor rendered obvious by the applied references, and the applicant respectfully requests withdrawal of the rejections of the currently-pending claims.

Entry and consideration of the foregoing amendments as improving the form of the application are solicited. The amendments have the effect of narrowing the issues for consideration by Examiner Karls, or on appeal, and were not earlier presented because, prior to the final Office action and Examiner Karls' comments therewith, these amendments were not felt necessary to obtain allowance.

For at least the foregoing reasons, reconsideration and withdrawal of the rejection of the claims and allowance thereof are respectfully requested. Should the Examiner wish to discuss the foregoing or any matter of form in an effort to advance this application towards allowance, the Examiner is urged to telephone the undersigned at the indicated number.

Dated: January 8, 2007

Respectfully submitted,

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